

Case Title: Syed Baqir Hussain Vs Nadra

Or.....05  
02.06.2020

Petitioner present. No one for the respondents present despite service, hence, placed and proceeded ex-parte.

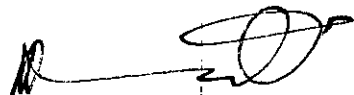
Through my this single order, I intend to dispose off an application in ex-parte for the restoration of the *Suit No. 215/1*, which was dismissed in default on 14.02.2020, file by the petitioner against the respondents.

Ex-parte arguments heard and record perused.

After hearing of arguments and perusal of the record I am of the opinion that the instant application has been filed within the statutory period of limitation. Further, there are plethora of judgments of the superior courts that cases should be decided on merits rather than technicalities. Thus, in the best interest of justice, the application is accepted and the suit, the particulars of which is mentioned above is hereby restored. No order is to costs.

It is pertinent to mention here that the petitioner moved an application for waiving off the fine imposed earlier on the petitioner. The petition is allowed on the ground mentioned in the application as his absence was not intentional rather the same was unintentional and due to some service compulsions of the petitioner and it is the demand of the human rights not to escalate the cost of litigation. Thus, the fine imposed upon the petitioner is hereby waived off.

Moharrir of the court is directed to restore the afore-mentioned suit in its original neem and consign the instant file while place the copy of this order on the suit file.

  
(Rehmat Ullah Wazir)  
Civil Judge-I,  
Orakzai (at Baber Mela)